

REMARKS

A. The Objections to Claims 1, 3-5, 7, 8 and 25-29

Claims 1, 3-5, 7, 8 and 25-29 were objected to based on an informality. In response, the Applicants have amended these claims to remove the informality. These amendments are not related to the patentability of these, or any other, claims. Accordingly, these objections now appear to be moot.

B. The Section 103 Rejections Based on Kanakubo

Claims 1, 3-5, 7-9, 11-13, 15-17, 19-21 and 23-29 were rejected under 35 U.S.C. §103() based on the combination of U.S. Patent Publication Application No. 20030147346 to Kanakubo (Kanakubo) and U.S. Patent Publication Application No. 20040004937 to Skalecki (Skalecki). Applicants disagree and traverse these rejections for at least the following reasons.

(i) claims 1, 3, 4, 9, 11, 12, 17, 19, 20 and 25-29

Each of independent claims 1, 9, 17, 25 and 28 (and their dependent claims) recite (using different language) the feature of detecting a failure along an “ingress region” of a primary path. Kanakubo is simply not pertinent. This is because, as clearly shown in Fig. 1 of Kanakubo, the “fault occurrence a1” occurs in a LSP between the intermediate router LSR-F 3 and the destination router LSR 6. Thus, Kanakubo’s disclosed fault occurs outside of the ingress region between the source router LSR-P 1 and the neighboring router LSR 2 and does not involve the neighboring router LSR 2.

Nonetheless, The Examiner argues that the claims do not recite “exactly where” the failure occurs, or what consists of an “ingress region.” However, such definitions are not required in the claims. All that is required is that the claims be understood by those skilled in the art based on the words in the claims themselves as enlightened by the specification.

Because the claims and specification clearly define the claimed ingress region and the fault discussed in Kanakubo falls outside what could reasonably be interpreted as Kanakubo’s ingress region, Kanakubo cannot reasonably be relied upon as disclosing the claimed feature of detecting a failure along an ingress region of a primary path.

Moreover, the Examiner’s interpretation of the term “ingress region” as meaning the region of the path between an intermediate router and a destination router is unreasonable, and

inconsistent with the plain meaning of the words as well as the explanations previously provided by the Applicants for the term “ingress region.”

Furthermore, each of claims 1, 9 and 17 recites (in different formats again) a device that re-routes traffic and using forwarding tables. That is, the device performing the re-routing and the device using the forwarding table are one in the same. Thus, Kanakubo, which uses multiple devices to re-route and use forwarding tables, is simply not pertinent. For example, on the one hand, and with reference to Fig. 1 of Kanakubo, the intermediate router LSR-F 3 retrieves and uses an LSP fault indication retrieval table (compared by the Examiner to the claimed forwarding table). On the other hand, the source router LSR-P 1 re-routes traffic based on the content of a fault indication message a3 from the intermediate router LSR-F 3. Certainly then, Kanakubo’s routers LSR-F 3 and LSR-P 1 are two separate and distinct devices.

The remarks above are equally applicable to claims 25 and 28 as well. In addition, these two claims further describe the ingress region. More particularly, claim 25 states that the ingress region comprises a link associated with a source network device while claim 28 states that the ingress region comprises a link associated with the source network device, where the link comprises either an outgoing link or a link between the source network device and a neighboring network device. Given the description of ingress region now present in claims 25-29 even if the Examiner’s interpretation of the phrase “ingress region” is acceptable Kanakubo does not anticipate the subject matter of claims 25-29 because the path between an intermediate router and a destination router is different than: (a) a link associated with a source network device, (b) an outgoing link (from the source network device) or (c) a link between the source network device and a neighboring network device.

Finally, Skalecki does not make up for the deficiencies of Kanakubo,

(ii) claims 5, 13 and 21

Each of claims 5, 13 and 21 recite (again, using different language) the feature of re-routing traffic from a primary path to an alternate path which includes devices that maintain the same quality of service as the primary path. Applicants believe Kanakubo is not pertinent for at least the following reasons. For example, Kanakubo does not disclose the claimed alternate path. Nowhere in the excerpts relied on by the Examiner is there mention of a quality of service (QoS) with respect to an alternative path, nor is maintenance of the same QoS implied by a “predefined static LSP,” as the Examiner so alleges.

Claims 5, 13 and 21 are also believed to be patentable over Kanakubo because they recite a method that involves receiving a failure message, and then re-routing traffic using a forwarding table. That is, a forwarding table is used after receiving a failure message. Kanakubo is not pertinent because it in fact teaches a reverse sequence of steps. Specifically, and with reference to Fig. 1 of Kanakubo, the intermediate router LSR-F 3 detects a fault occurrence a1, uses an LSP fault indication retrieval table (compared by the Examiner to the claimed forwarding table), and prepares and forwards a fault indication message a3 to the source router LSR-P 1. Subsequently, the source router LSR-P 1 receives the message a3 and re-routes traffic. Thus, according to Kanakubo's disclosure, the table is used before (not after) receipt of a failure message.

(iii) claims 5, 21, 25 and 28

Claims 5, 21, 25 and 28 are also believed patentable because each one recites (using different language) that the device re-routes traffic and uses a forwarding table. That is, the device performing the re-routing and the device using the forwarding table are one in the same. Thus, Kanakubo, which uses multiple devices to re-route and use the forwarding table, is simply not pertinent (see the rationales set forth above with respect to claims 1, 9 and 17).

Again, Skalecki does not make up for the deficiencies of Kanakubo.

C. The Section 103 Rejections Based On Dantu

Claims 1, 3-5, 7-9, 11-13, 15-17, 19-21 and 23-29 were rejected under 35 U.S.C. §103() based on the combination of U.S. Patent No. 7,167,443 to Dantu (Dantu) and Skalecki. Applicants disagree and traverse these rejections for at least the following reasons.

(i) claims 1, 9, 17, 25 and 28

Independent claims 1, 9, 17, 25 and 28 each recite the feature of allowing traffic to travel along a primary path when the failure is no longer detected along an ingress region. Dantu is simply not pertinent to this feature, as recognized by the Examiner. To make up for this deficiency the Examiner relies upon Skalecki. Before turning to Skalecki the Applicants note the following.

As set forth above, each of claims 1, 9, 17, 25 and 28 include the feature of detecting a failure along an ingress region of a primary path. While the discussion with respect to Figure 10 in Dantu includes an ingress node that receives information about faults in a fiber optic ring

there is no discussion of a fault along the ingress portion of the ring. Further, there is no disclosure of primary paths as that phrase is used in the specification and claims of the present application.

Turning to Skalecki, initially the Applicants note that Skalecki does not make up for the deficiencies of Kanakubo discussed above. Further, while Skalecki appears to discuss the use of a “working path” after a “protection path” is “torn down”, there is no disclosure that the working path is restored for usage after a failure is no longer detected along an ingress region as in the claims of the present invention.

Accordingly, Applicants respectfully request withdrawal of the rejections and allowance of the claims.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 CFR § 1.16 or under 37 CFR § 1.17; particularly, extension of time fees.

Respectfully submitted,

CAPITOL PATENT & TRADEMARK LAW FIRM, PLLC

By: /John E. Curtin/
John E. Curtin, Reg. No. 37,602
P.O. Box 1995
Vienna, Virginia 22183
(703) 266-3330